

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICOAL CORPORATION)	
)	
COMPLAINANT)	CASE NO.
)	90-108
VS.)	
)	
BOONE COUNTY WATER AND SEWER DISTRICT)	
)	
DEFENDANT)	
)	
and)	
)	
AN INVESTIGATION OF BOONE COUNTY WATER)	
AND SEWER DISTRICT)	
)	
)	CASE NO.
)	91-220
)	
ALLEGED FAILURE TO COMPLY WITH)	
KRS 278.160(2))	

O R D E R

Boone County Water and Sewer District ("Boone District") has moved for a delay in the enforcement of the Commission's Order of April 24, 1992. More specifically, Boone District requests that it be relieved of any duty to refund the unlawfully collected sewer capacity fees and sewer inspection fees pending the outcome of appeals of the April 24, 1992 Order¹ and a final decision in

¹ Boone County Water and Sewer District v. Pub. Serv. Comm'n, Civil Action No. 92-CI-00648 (Franklin Cir. Ct.); Americoal Corp. v. Pub. Serv. Comm'n, Civil Action No. 92-CI-00675 (Franklin Cir. Ct.).

Case No. 91-374.² Boone District contends that the uncertainty posed by these cases requires postponement of the implementation of any refund plan. Americoal Corporation did not respond to Boone District's motion.

Having considered Boone District's motion and being otherwise sufficiently advised, the Commission finds that the motion should be granted and that enforcement of the April 24, 1992 Order should be stayed. The Commission hereby places Boone District on notice that, should the April 24, 1992 Order be upheld on appeal, the Commission expects Boone District to complete the ordered refunds by April 23, 1997. Boone District should prepare for this contingency.

IT IS THEREFORE ORDERED that:

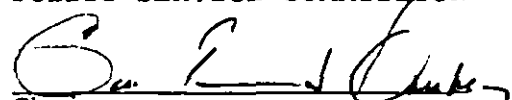
1. Boone District's motion for delay of enforcement is granted.
2. Enforcement of the April 24, 1992 Order is stayed pending the outcome of appeals of that Order and a final decision in Case No. 91-374.

Done at Frankfort, Kentucky, this 8th day of June, 1992.

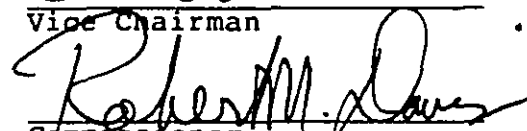
ATTEST:


Executive Director, Acting

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

² Case No. 91-374, Proposed Tariff of Boone County Water and Sewer District for Sewer Capacity Fee.